
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2 (Lowenthal) - Injuries to children: civil penalties

Version: July 2, 2026

Policy Vote: P., D.T., & C.P. 6 - 0, JUD.
11 - 0

Urgency: No

Mandate: No

Hearing Date: August 3, 2026

Consultant: Bob Franzoia

Bill Summary: AB 2, would, until January 1, 2035, make a social media platform liable for civil damages if the social media platform fails to exercise ordinary care or skill by causing injury to a child. A violation would constitute a deceptive act or practice under the Unfair Competition Law (UCL).

Fiscal Impact: Unknown, potentially significant court cost pressure if the Attorney General (AG) brings civil actions for violations against any person who engages in a deceptive act or practice. Actual costs will depend on the number of actions filed and the amount of time needed to adjudicate each case.

Unknown, likely significant court cost pressure as the UCL permits private plaintiffs to bring a cause of action. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor's budget would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

Proposed Law: A social media platform is defined as a social media platform that generates more than \$100,000,000 per year in gross revenues.

A social media platform that causes injury to a child shall be liable for statutory damages for the larger of the following:

- 1) \$5,000 per violation up to a maximum per child, of \$1,000,000.
- 2) Three times the amount of the child's actual damages.

Child means a minor under 18 years of age.

Staff Comments: Unlike the AG, who may seek significant civil penalties for UCL violations, the remedies available to private plaintiffs are more limited. They may seek neither penalties nor damages to compensate for injuries caused by the violation. Instead, private plaintiffs may seek an injunction to halt the unfair, unlawful or fraudulent practice and restitution of any gains obtained as a result of the violation. As injunctions and restitution are equitable remedies that do not require submission to a jury, private UCL actions are tried before a judge, who has the sole discretion to determine if the alleged wrongful act is an unfair, fraudulent, or unlawful business practice and to determine the appropriate equitable remedy. A court may order restitution in a UCL action without individual proof of injury if it determines that such a remedy is necessary to prevent the unfair practice.